

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

JOHN ANTHONY CASTRO)	
12 Park Place, Mansfield, TX 76063)	
)	
Plaintiff,)	
)	
v.)	
)	
SECRETARY OF STATE DAVID)	
SCANLAN)	Case No. 1:23-cv-00416-JL-TSM
107 North Main Street, Room 204, Concord,)	
NH 03301)	
)	
DONALD JOHN TRUMP)	
1100 S. Ocean Blvd, Palm Beach, FL 33480)	
)	
Defendants.)	

**PLAINTIFF'S CORRECTED WITNESS LIST, EXHIBIT LIST, AND
PROPOSED FINDINGS OF FACT AND LAW REGARDING JURISDICTION**

Plaintiff understands the Court has transformed the October 20 hearing to determine solely whether Plaintiff has standing that would determine whether this Court has subject matter jurisdiction, which this Court simply referred to as “jurisdiction.” Plaintiff understands that whether he has stated a claim upon which relief can be granted (*i.e.*, whether Section 3 of the 14th Amendment is self-executing) is not being decided on October 20. That will be decided at some future hearing.

Plaintiff *does* intend to call witnesses even if the purpose of the hearing is solely with regard to standing. Plaintiff intends to submit his New Hampshire Declaration of Candidacy and evidence of a paid filing fee, which will occur on October 11 well before the October 20 hearing, to show he will be on the 2024 New Hampshire Republican Primary Ballot. Moreover, Plaintiff

submits his Nevada Declaration of Candidacy that has already been filed to evidence his intent to be on as many state ballots as possible. *See Exhibit A.*

Witness List (for Standing Hearing):

1. John Formella.
2. David Scanlan.
3. Donald John Trump.

Witness List (for Claim Upon Which Relief Can Be Granted and Trial):

1. Gerard N. Magliocca. Constitutional law scholar.
2. C. Ellen Connally. Constitutional law scholar.
3. William Baude. Constitutional law scholar.
4. Michael Stokes Paulsen. Constitutional law scholar.
5. Sarah Matthews, Deputy Press Secretary and Special Assistant to the President.

Ms. Matthews can testify about her interactions with the President, including, but not limited to, his initial refusal to put out a statement urging people to be peaceful.

6. Pat Cipollone. White House Counsel. Mr. Cipollone can testify about his interactions with Mark Meadows and former President Donald John Trump since the Crime-Fraud Exception circumvents any claim of either the attorney-client or executive privilege.

7. Kayleigh McEnany, White House Press Secretary. Ms. McEnany can testify about Defendant Donald John Trump's attitude, conduct, and demeanor on January 6, 2021.

8. Mark Meadows, White House Chief of Staff. Mr. Meadows can testify Defendant Donald John Trump's attitude, conduct, and demeanor on January 6, 2021.

9. Cassidy Hutchinson, White House Aide. Ms. Hutchinson can testify about Defendant Donald John Trump's attitude, conduct, and demeanor as he watched the events at the Capitol unfold from the White House.

10. Ivanka Trump. Mrs. Trump can testify as to what she discussed with Defendant Donald John Trump on or about 2:38pm on January 6, 2021.

11. Eric Herschmann, White House Senior Adviser. Mr. Herschmann can testify as to what she discussed with Defendant Donald John Trump on or about 2:38pm on January 6, 2021.

12. Virginia Thomas. Ms. Thomas can testify about her interactions with White House staff on January 6, 2021, and whether any of her conduct was done in coordination with Associate Justice of the Supreme Court of the United States, Clarence Thomas.

13. Defendant Donald John Trump, Former President of the United States. Mr. Trump can testify regarding his own attitude, conduct, and demeanor on January 6, 2021. In particular, we will his actions and inaction on January 6, 2021.

Exhibit List (for Standing Hearing):

1. New Hampshire Declaration of Candidacy and Proof of Paid Fee.
2. Nevada Declaration of Candidacy. *See Exhibit A.*

Exhibit List (for Claim Upon Which Relief Can Be Granted and Trial):

1. Indictment of Donald John Trump, Case 1:23-cr-00257 (D.D.C. Aug. 1, 2023).
2. The Third Superseding Indictment of Enrique Tarrio et al.
3. The January 6 Commission Report.

Proposed Findings of Fact and Law (for Standing Hearing):

1. Because both Plaintiff John Anthony Castro and Defendant Donald John Trump are actively campaigning for the convention delegates awarded as a result of the 2024 New Hampshire

Republican Primary to be the Republican nominee for the Presidency of the United States, Plaintiff has standing to bring this claim against Defendant Donald John Trump.

2. Because (1) the New Hampshire Attorney General has confirmed that Defendant Secretary of State David Scanlan lacks the authority to adjudge Defendant Donald John Trump's constitutional qualifications under Section 3 of the 14th Amendment, (2) Defendant Secretary of State David Scanlan publicly confirmed at an official press conference that he intends to accept the ballot access documentation of Defendant Donald John Trump, and (3) Defendant Donald John Trump has not refuted that he intends to apply to be on the New Hampshire Republican primary ballot, Plaintiff has standing to bring this claim Against Defendant Secretary of State to remedy a real and substantial threat of a violation of the United States Constitution.

3. This Court has the authority to enjoin Defendant Secretary of State from threatened conduct that would be violative of the United States Constitution.

4. As a matter of national importance, an expedited trial on the merits is warranted.

Proposed Findings of Fact and Law (for Claim Upon Which Relief Can Be Granted and Trial):

1. January 6, 2021, constituted an insurrection for purposes of Section 3 of the 14th Amendment.

2. Defendant Donald John Trump's public statements constitute both aid and comfort to the insurrection on January 6, 2021.

3. Defendant Donald John Trump knowingly provided both aid and comfort to the insurrection on January 6, 2021.

4. Section 3 of the 14th Amendment is Self-Executing.

5. Section 3 of the 14th Amendment applies to the Office of the Presidency of the United States.

6. Plaintiff has Standing and a Claim Upon Which Relief May Be Granted.

7. Section 3 of the 14th Amendment constitutionally mandates that Defendant Donald John Trump is not qualified to hold public office in the United States.

CONCLUSION

Unless Defendant Secretary of State devises some grounds to deny Plaintiff's ballot access documentation on Wednesday, October 11, 2023, Plaintiff will file his New Hampshire Declaration of Candidacy and proof of paid fee via CM/ECF on Thursday, October 12, 2023.

Dated: October 5, 2023.

Respectfully submitted,

By: /s/ John Anthony Castro
John Anthony Castro
12 Park Place
Mansfield, TX 76063
(202) 594 – 4344
J.Castro@JohnCastro.com
Plaintiff Pro Se

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was electronically filed with the Court via CM/ECG on October 5, 2023 and that all parties are registered users of said system and will be electronically notified.

/s/ John Anthony Castro
John Anthony Castro